

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
DIVISION

REC'D
FILED
JOHN P. HEHMAN
CLERK

2013 OCT 29 AM 11:44

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

THOMAS P. McLAFFERTY
~~BASE CORPORATION~~

(Enter Above the Name of the Plaintiff in this Action)

vs.

BASE CORPORATION
(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

1:13 CV 779

SPECIAL - 3

MJ. LITKOVITZ

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

THOMAS P. McLAFFERTY
Name - Full Name Please - PRINT

12301 WEST KENNEDY
Street Address

CALIFORNIA KENTUCKY 41007
City, State and Zip Code

859-635-1515
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. BASF CORPORATION
Name - Full Name Please
100 PARK AVENUE, FLORHAM PARK, N.J. 07932
Address: Street, City, State and Zip Code
2. _____

3. _____

4. _____

5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☐ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☐ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☒ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☐ Title _____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

matter please contact us." I tried and tried but could never get Sheila Buljota or Jeffery Young on the phone again.

On advice from an educated friend I contacted the Labor Relations department in 2008 and was told by the Labor Relations people to send a certified letter requesting copies of everything in my file to the Company. I recieved those copies and learned there was an inner office memo from Jeffery Young to Sheila Buljota dated December 26, 2001 that read, "Sheila: This gentleman just will not go away. I am copying all administrators so that all remain on some page on this matter should he contact them on his almost daily rounds. Please review the attached document and insert the missing information as indicated. If my recollection as stated on the attached is incorrect, call me upon return from vacation and we will revise letter together over the phone. As with all correspondence to this former employee, this is to be mailed certified mail." Again this memo is dated 12-26-01 but the letter I recieved is dated 12-13-01.

I was lied to several times by Sheila Buljota. She told me she had sent the forms to fill out so I could begin receiving disability retirement pay at least three times but never did. Jeffery Young told me he would see to it that the forms were sent to me, but they never were.

Why I feel these falsehoods and blackballing are important to my "case" is to point out some of the numerous times I tried to comply with the agreements, but the company did not. The company has not gone by the agreements in force when I was disabled one time.

I have been told 4 times I am not eligibb for any disability, and not one of those 4 times was legal

under the agreements. The agreements state clearly that the Pension Committee is the one and only party that has the power to make the decision if an employee is eligible for disability benefits or not.

After trying for over thirteen years to have request for disability forms sent to me the company decided in June of 2012 to have the Pension and Savings Committee rule on a decision to allow my disability retirement or not. A year later, on May 21, of 2013 a decision was made by the Pension and Savings Committee that I was not eligible for disability retirement. In the middle of June 2013 I received a 18 paragraph letter from the Company's senior consul denying my request for disability retirement benefits. As far as I can decipher the 18 paragraph denial, the company again did not go by the agreements even one time (except that this decision was made by the Pension + Savings Committee.)

The denial letter said the Committee's decision was final, but under the agreements both the Company and I are bound by (the Company's words) I am to have two steps after the Committee's decision before my final step of requesting a hearing in a Federal Court, but the Company will not entertain any but a Federal Court hearing.

Because people in the company, with no authority what-so-ever, have made unauthorized decisions against me I have had no benefits from the company at all and have lived under the poverty line for over 30 years.

I do not take lightly the probability of being before a Judge or Magistrate with no legal experience in my corner.

I have read and re-read the agreement documents between the Company and its employees and know for sure that (in my opinion) the company owes me the earned benefit of total disability retirement pay.

The instructions said "as briefly as possible," so I am complying as best as I can. I have left out volumes I would like the ruling power to know, but could also have shortened this much by simply saying "The Company has repeatedly broken the agreements in dealing with me and illegally denied me several times my earned and due disability retirement pay."

I sincerely thank you for your interest in justice and your patience in reading about my situation.

Thomas P. Mc Lafferty

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

I was totally and permanently disabled in a car accident on Oct. 28, 1982. I was placed on Social Security total disability rolls by Administrative Law Judge Charles M. Dowdy, dating to the date of my accident. I was told in a phone conversation with the personnel director for Emery Inds Inc. (Cinn. OH.) that I was not eligible for any disability benefits. As I was not injured while at work, I thought this was correct. 17 years later, in 1999, I learned I indeed was eligible for total disability. I contacted the company and asked to be sent the forms to fill out to begin to collect my earned disability benefits. I was told by the company's benefits manager, Mr. Jeffery Young, that I was not eligible for benefits in a letter dated Aug. 9, 1999. I called him and explained that the letter he had sent me was not true and explained why. He said he would send the forms for request for disability to me, but never did. I called for over two years trying to speak with him again, but he was always out of the office. I received a letter from the company's retirement administrator, Sheila Buljota dated Dec. 13, 2001, basically stating the same thing Jeffery Young's letter of Aug. 9, 1999 had said and the letter of Dec. 13, 2001 ended "If you have any questions regarding this

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case NumberCaption

____ vs. _____
 ____ vs. _____
 ____ vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

I would like the court to find that the company owes me pay from the day I was totally disabled. This pay to include 4 weeks of vacation I was not paid, ~~and~~ ~~cost~~ of insurance payments reimbursement I have made that the company should have made. These amounts to be compounded at 5%. The same amount the agreements call for a employee to pay pay if he owes the company any money. I ask the court to have the company pay me damages for having to live under the poverty line because of non-payment of my earned total disability. I ask the court to find that I am due full retirement at 35 years of ^{seniority} ~~seniority~~ at today's retirement rate.

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 19 day of October, 2013.

Thomas P Mc Lafferty

Signature of Plaintiff